

# **EXHIBIT 5**

April 14, 2012

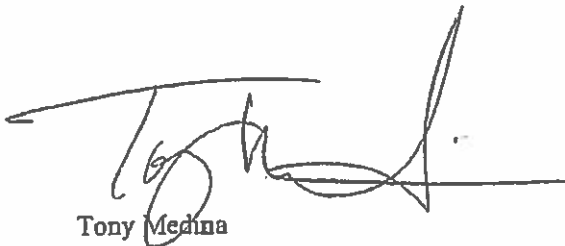
To whom it may concern:

On April 6, 2012 I worked with both Robert Salinas and David Castillo. On this day both of my associates performed their jobs as normal, nothing out of the ordinary. Robert and David tend to like to tease each other back and forth, as they did so on this day. (They take turns provoking each other until one of them gets upset, which is usually the case.) Robert tends to call David things such as, Princess, mija, and sister. David tends to aim more at Robert's productivity, calling him "slow", "Lazy ass" and Robert's characteristics like his hair (although Robert usually wears a cap). I worked from 9am until 1pm with Robert, and never heard anything about the incident. I worked with David from 9am until 4pm, and the same never heard anything about the incident.

On the morning of April 7, 2012 I came in a little earlier than what I was scheduled, around 10:30am. Robert was in the cooler and David was walking into the cooler teasing Robert, as they usually would if they worked with each other. This morning one of my associates, I believe Andres Reyes, said that Robert and David seemed upset with each other, and it probably wasn't a good idea to let them continue to tease each other. Assuming that either Robert or David had already become upset with the other, I went to the back and told them, "That's enough get back to work". David went back to work, and I stayed in the cooler with Robert since I was going to write my produce order. Since I hadn't talked to Robert yet this morning, I asked him how he was doing and he said "good". Robert then said, "I need to tell you something, but I can't because you'll get mad". I proceeded to ask Robert what it was he needed, knowing I was just going to get busier as the day went on, I wanted to get whatever issue Robert had handled as soon as possible. Robert tends to have some kind of feed back for me daily (I.e. complaining about other associates work performance). I asked him "What is it? If you are going to tell me tell me now I am going to get busy." Robert then said "No, I can't, I can't tell you right now, but it is important". I then asked, "Are you sure? I am telling you we are going to get busy". Robert then said "No. I will just talk to you about it later". Around 3:00 pm, Jason Maldonado told me I had a phone call and I asked who it was. He said it was Robert and I told him to tell Robert to call me back later because I was busy. David then grabbed the phone and asked who it was and what he wanted. I then heard David say "well if it is an emergency call 911 dumb ass. What the hell is Tony going to do for you?" I told David "that's was enough, just tell Robert to call me back". David then said "Tony is working. Leave him alone. He's busy". Robert Never called back. I assume Robert called to talk to me about the incident. We did get busy as I had predicted in the morning which is why I had urged Robert to tell me what he had to tell me earlier in the morning before the rush. The incident had still not been brought up by David nor Andres Reyes. Later that afternoon is when the Rosenberg Police Dept. was talking to Mike Childs, My store manager. Mr. Childs asked me to come upstairs, not knowing anything about what was going on I was a little confused as to why I would be going in to talk to Mr. Childs with a Police officer. They then informed me of the incident. They told me

that David had allegedly held a knife to Robert's throat. I was shocked. The police officer, Officer Delgado, Had advised us not to confront either party about the incident.

On April 9, 2012, I worked with Robert for the first time since hearing about the incident. Robert talked briefly about it. He told me he was scared, that he didn't know what to do about the situation, and that he truly was scared for his life. I told Robert that these were pretty serious accusations, but that he already had reported it to the police so he should just let them handle it from here. Robert said "I didn't know what to do I was so scared" I told Robert if he was so scared he didn't have to call the police. I told Robert that if he had reported it to me or a member of management that the situation would have already been solved. Physical violence or threats are not tolerated by my company. I know that if he had come to me or a member of my management team the situation in question would have surely been handled appropriately and timely. I told Robert he shouldn't have waited an entire day to report something like that. If you are scared for your life we need to know about it as soon as possible. I believe that my entire produce crew views each other as family members. That is the kind of environment I try to create amongst them. Robert then told me that Andres Reyes saw the entire thing. I asked Andres later in the day if he had seen anything unusual a few days ago. Andres told me that he thought he knew that I was talking about, and asked if it involved Robert and David. I told Andres that it may, but that if he saw something that he should have said something. Andres then told me, "I saw David behind Robert with his arm around his neck" Andres then told me that Robert had told him that David had a knife, But Andres told me he never saw a knife he only saw David behind Robert with his arm around his neck.

A handwritten signature in black ink, appearing to read 'Tony Medina', with a long horizontal line extending to the right.

Tony Medina

Produce Manager